



Department for  
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1 November 2016

Dear Mr Adams

**ELECTRICITY ACT 1989**

**ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS) (ENGLAND  
AND WALES) REGULATIONS 2013**

**THORPE MARSH COMBINED CYCLE GAS TURBINE POWER STATION, THE  
THORPE MARSH, BARNBY DUN, DONCASTER**

**1. THE APPLICATION**

1.1 I am directed by the Secretary of State for Business, Energy and Industrial Strategy (the "Secretary of State") to refer to the application by Thorpe Marsh Power Limited ("the Applicant") dated 5 July 2016 ("the Variation Application") to vary the consent granted by the Secretary of State under section 36 of the Electricity Act 1989 dated 31 October 2011 ("section 36 consent") to construct and operate a Combined Cycle Gas Turbine ("CCGT") generating station up to 1500 MW at Thorpe Marsh, Barnby Dun, Doncaster ("the Development"); and to vary the associated direction under section 90(2) of the Town and Country Planning Act 1990 ("section 90 direction") that planning permission for the Development be deemed to be granted.

1.2 The variations being requested ("section 36C variation") are:



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- a) the removal of the reference to the OCGT unit to allow for the construction and configuration of a single phase CCGT generating station;
  - b) an increase in the maximum permitted generating capacity from 1,500MW to up to 1,575MW; and
  - c) an extension of the time limit for the commencement of the Development to allow a further 5 years from the date of the varied consent.
- 1.3 The variation is required as a result of improvements in the performance of gas turbine technology and the commercial case for the project. Other minor amendments to the deemed planning permission are requested to reflect that the varied Development would comprise a CCGT generating station with a generating capacity of up to 1575MW (without any OCGT element).
- 1.4 The Variation Application was published in accordance with the Electricity Generating Stations (Variation of Consent) (England and Wales) Regulations 2013 (“the Variation Regulations”) and served on the relevant planning authority, Doncaster Metropolitan Borough Council (“DMBC”).
- 1.5 In accordance with the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (“the EIA Regulations”), which apply to the variation of a consent by virtue of regulation 7 of the Variation Regulations, the document titled “Environmental Information Report” dated July 2016 was submitted with the Variation Application. The document describes the Development and updates the analysis of the environmental effects set out in the Environmental Statement dated February 2010, the Environmental Statement Amendment 1 dated May 2010, the Environmental Statement Amendment 2 dated September 2010, and the Environmental Supplementary Information dated June 2011 (the Environmental Statements, Supplementary Information Document and Environmental Information Report are herein after collectively referred to as “the updated Environmental Statement”).
- 1.6 In accordance with the EIA Regulations, the updated Environmental Statement was advertised and placed in the public domain to give people an opportunity to comment.

**2. SECRETARY OF STATE’S CONSIDERATION OF THE REVISED PLANNING CONDITIONS**

- 2.1 The Secretary of State has considered the revised planning conditions. The Secretary of State agrees they are suitable for inclusion in a section 90 direction which the Secretary of State may give, subject to the modifications noted below and the minor drafting variations as set out in the Explanatory Memorandum which accompanies the revised consent and planning conditions.

**3. SECRETARY OF STATE’S DECISION ON THE HOLDING OF A PUBLIC INQUIRY**



- 3.1 Regulation 8 of the Variation Regulations gives the Secretary of State discretion to hold a public inquiry into a section 36C variation application. In considering whether to hold a public inquiry, the Secretary of State must consider any representations which have been made to the Secretary of State by a relevant planning authority or any other person where those representations are not withdrawn and all other material considerations.
- 3.2 The Secretary of State received an objection from Barnby Dun with Kirk Sandall Parish Council (“the Parish Council”) to the proposed variation. Details of the representations made by the Parish Council and the Secretary of State’s consideration of the objections raised are provided below at paragraph 6.5.
- 3.3 The Secretary of State has also given consideration to the comments received from other consultees including DMBC, Natural England, Highways England, the Environment Agency and Doncaster Sheffield Airport, none of which were an objection.

#### Conclusion

- 3.4 The Secretary of State has considered the views of the relevant planning authority and consultees and all other material considerations. The Secretary of State considers there is nothing further that needs probing and that it would not be appropriate to cause a public inquiry to be held into the Variation Application.

#### **4. SECRETARY OF STATE'S CONSIDERATION OF THE ENVIRONMENTAL INFORMATION**

- 4.1 Regulation 3 of the EIA Regulations as applied by regulation 7 of the Variation Regulations prohibits the Secretary of State from granting a variation of a section 36 consent unless the Secretary of State has first taken into consideration the environmental information, as defined in the EIA Regulations.
- 4.2 The Secretary of State is satisfied that the updated Environmental Statement is sufficient to allow him to make a determination on the Variation Application and that the Applicant has followed the applicable procedures in the EIA Regulations.
- 4.3 The Secretary of State has considered the environmental information; in addition to the updated Environmental Statement, the Secretary of State has considered the comments made by the relevant planning authority, those designated as statutory consultees under regulation 2 of the EIA Regulations and other consultees.
- 4.4 Taking into account the extent to which any environmental effects will be modified and mitigated by measures the Applicant has agreed to take or will be required to take either under the conditions attached to the variation to the section 36 consent or the planning conditions or by regulatory authorities including Natural England and the Environment Agency, the Secretary of State believes that any remaining adverse environmental effects will not be such that it would be appropriate to refuse the variation to the section 36 consent for the Development or the deemed planning permission.



- 4.5 The Secretary of State also has regard, in accordance with section 40 of the Natural and Rural Communities Act 2006, to the purpose of conserving biodiversity, and considers that the matters specified in paragraph 1(2) of Schedule 9 to the Electricity Act 1989 have been adequately addressed by means of the updated Environmental Statement.

**5. SECRETARY OF STATE'S CONSIDERATION OF POSSIBLE EFFECTS ON DESIGNATED SITES**

A) Habitats Regulations Assessment

- 5.1 The Conservation of Habitats and Species Regulations 2010 ("the Habitats Regulations") require the Secretary of State to consider whether the proposed Development would be likely to have a significant effect on a European Site, as defined in the Habitats Regulations and if so, to undertake an Appropriate Assessment ("AA") of the implications for the European Site in view of its conservation objectives. In the absence of imperative reasons of overriding public interest, consent may only be granted if it can be shown that the development will not have an adverse effect on the integrity of the European Site (regulations 61(5) and 62). Regulation 61(6) provides that when considering whether the proposed development will adversely affect the integrity of a European Site, the competent authority can take into account measures proposed to mitigate such impacts.

- 5.2 The Secretary of State notes that the site of the Development is approximately 14 km from the Thorne Moor Special Area of Conservation ("SAC") and approximately 9 km from the Hatfield Moor SAC. The Thorne Moor SAC and Hatfield Moor SAC also form the Thorne and Hatfield Moors Special Protection Area ("SPA"). In relation to the determination of the application for section 36 consent for the Development, Natural England advised that there should be no significant adverse impact on these European Sites provided that the mitigation measures detailed in the Environmental Statement and planning conditions are carried out in full. On the proposed Variation Application, Natural England responded to confirm that it agrees with the Applicant's conclusion that there are not likely to be significant air quality impacts on any internationally or nationally designated sites as a result of the variation, and to confirm that it had no comments to make on any other aspect of the variations being sought. The Secretary of State is therefore satisfied that there will be no likely significant effects on any European Site as a result of the variation which would require further Appropriate Assessment.

- 5.3 Having considered the environmental information, the planning conditions already imposed and the advice from Natural England, the Secretary of State is satisfied that the varied Development is not likely to have a significant effect on any European Site, either alone or in-combination with other plans or projects. The Secretary of State therefore considers that no Appropriate Assessment pursuant to regulation 61 of the Habitats Regulations is necessary.

B) Effects on other protected sites



- 5.4 The Secretary of State notes that Natural England advised that it agreed with the Applicant's conclusion that there are not likely to be significant impacts on any national designated sites as a result of the variation. The Secretary of State agrees with Natural England's advice that, provided the varied Development is carried out in accordance with the details of the Variation Application, the varied Development will not have a significant effect on any nationally designated sites.

## **6. SECRETARY OF STATE'S CONSIDERATION OF ISSUES RAISED DURING CONSULTATION**

### Relevant Planning Authority

- 6.1 The Secretary of State notes the relevant planning authority, DMBC, has stated that it has no objection to the proposed variation to the section 36 consent and planning conditions subject to a new agreement pursuant to section 106 of The Town and Countryside Planning Act 1990 ("the section 106 agreement") being agreed in advance of a decision being taken on the variation being sought. The section 106 agreement makes provision in respect of the following matters:

- a) Road improvements;
- b) Reinstatement of footpath along Marsh Road;
- c) Apprenticeship schemes;
- d) Promotion of local employment;
- e) Provision of community sports, leisure, recreation and open space facilities;  
and
- f) Ecological mitigation.

The Secretary of State is aware that a new section 106 agreement was finalised on 24 October 2016.

### Highways England

- 6.2 In their response to the consultation, Highways England stated that while the proposed variation was unlikely to present any concerns, whether or not the single construction phase would result in intensification of construction traffic movements would only be fully clear once the Construction Traffic Management Plan ("CTMP") was produced, and requested that it be afforded the opportunity to review the CTMP, the Construction Environmental Management plan and the Travel Plan. The Secretary of State has therefore varied planning conditions 11, 12 and 20 accordingly.

### Doncaster Sheffield Airport

- 6.3 The Secretary of State notes that Doncaster Sheffield Airport has considered the need for aviation obstruction lighting and has noted that the height of the co-located stacks of this Development would not extend to above 150 metres in height and would not, therefore, be covered by any statutory requirements for the lighting of onshore obstacles with a height of more than 150 metres above ground level. However, given that this structure, at 70 metres, would be amongst the tallest in the vicinity, Doncaster Sheffield Airport has noted that the Development should be equipped with some form of aviation warning light. Doncaster Sheffield Airport also raised the need for the flue stacks to be bird



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proofed. The Secretary of State has therefore included a new planning condition, condition 57, to ensure a scheme detailing the bird proofing and lighting of the flue stack is submitted and approved by DMBC in consultation with Doncaster Sheffield Airport.

Other Parties

6.4 The Secretary of State received a number of objections from Barnby Dun with Kirk Sandall Parish Council (“the Parish Council”) to the proposed variation. In summary, and in no particular order, these objections were related to the following:

- Inadequate notification of the Variation Application and accessibility to the Variation Application documents.
- Whether the Applicant is Thorpe Marsh Power Limited, and whether the variation sought an extension of the commencement date for a further three years or five years.
- Extension of the commencement date and the impact on those who may be affected by the development.
- The need for a condition setting out a time limit for the construction period from the commencement date.
- Concerns regarding the transport impact assessment undertaken in July 2008 and the need for updated traffic surveys to take into consideration new developments and rail network upgrades in the area.
- Whether the consented station will have one or two stack towers.
- Whether the predicted noise levels for the varied Development can be complied with.
- Lack of off-site tree planting.
- Flood Risk.
- Mitigation of protected Species.

6.5 The Secretary of State’s consideration of the Parish Council’s objections are considered in the following paragraphs:

*Notification of the Application and Availability of Supporting Documents*

- The Secretary of State is aware that a notice of the Variation Application containing a link to the Variation Application website was published in the Doncaster Star on the 28 July and 4 August 2016, the Doncaster Free Press on the 28 July and 4 August 2016 and the London Gazette on 28 July 2016. The Variation Application documents were made available on 28 July 2016 at:  
<http://www.thorpemarshccgt.co.uk/application-documents/>
- As mentioned in paragraph 1.4 above, the Variation Application was served on DMBC, the relevant local authority.
- The Secretary of State is therefore satisfied that the Variation Application has been published in accordance with regulation 5 of the Variation Regulations. He therefore concludes that the Applicant has taken the



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required steps to ensure that the Variation Application comes to the attention to those likely to be affected by the proposed variations to the consented development.

*Applicant and Extension Period*

- The Applicant responded to the representations made by the Parish Council by way of a letter dated 28 September 2016 to confirm that the Applicant is Thorpe Marsh Power Limited, and that the extension period being sought through the Variation Application is for five years and not three years. The Secretary of State has separately considered in section 7 below the question of the extension to the time period.

*Construction Period*

- It is not usual practice to set dates by which construction must be completed, as this could unhelpfully constrain the construction process. The Secretary of State has no reason to believe that once construction is commenced in this case, the Applicant will unduly delay the completion of the Development.

*Traffic Surveys*

- The Secretary of State has considered the concerns raised by the Parish Council regarding the need for updated traffic surveys. The Secretary of State notes that the original planning conditions included a provision for a Construction Management Traffic Plan (“CMPT”) to be approved by the DMBC, and, as a result of this variation, in consultation with Highways England. The Secretary of State agrees with DMBC that final approval of the CMPT will afford the Council, in consultation with Highways England, sufficient control over how to manage the construction period in terms of mitigating any highways impact prior to development commencing.

*Stack Towers*

- In the letter dated 28 September 2016, the Applicant also confirmed that each gas turbine generating unit for technical reasons requires a dedicated flue system, but that these flues will be located in close proximity to each other forming in effect a single stack configuration. The Secretary of State considers that any new visual impact from this arrangement is negligible in comparison with the originally consented configuration.

*Noise*

- The Secretary of State notes the concerns raised by the Parish Council on the impacts of noise from the varied consent. The Secretary of State agrees with the Applicant that noise from the plant during operation would be regulated by an environmental permit, and the mitigation measures conditioned in the section 36 consent which have been retained in the varied consent would address adverse effects from noise. The Secretary of State agrees with DMBC that noise limits are covered by planning conditions 12 to 16 on Construction and Construction Noise and planning conditions 22 to 26 on Operational Noise.



*Off-site tree planting*

- Planning Conditions 44 - 45 require that a scheme of landscaping be submitted and agreed with DMBC prior to the commencement of the Development, and condition 46 stipulates that the agreed landscaping and planting scheme must take place no later than the appropriate planting or sowing season following completion of the construction of the Development. Given the requirement during the construction phase for laydown areas for storage, temporary site facilities and equipment and materials delivery in and around the Development site, the Secretary of State is satisfied that it is appropriate for the landscaping scheme to be implemented following completion of the construction phase of the Development.

*Flooding*

- The Parish Council raised concerns about the site of the Development being within a floodplain. The application for the section 36 consent included a flood risk assessment ("FRA") and was considered by the Environment Agency to be acceptable in flood risk terms subject to the mitigation measures proposed in the Applicant's FRA. Planning Condition 37, which has been retained in the varied consent, includes provision for the implementation of these mitigation measures. The Secretary of State also notes that the Environment Agency did not raise any concerns relating to flooding in respect of the Variation Application.

*Protected species*

- The Parish Council raised concerns regarding the responses submitted by DMBC's Ecologist and Natural England, stating that no reference has been made by either statutory consultee on the protected species present in the Development site and the lack of mention of any form of mitigation for protected species. In relation to the determination of the application for section 36 consent, Natural England recommended that planning conditions 48 - 49 be included to ensure the protection of bats and other protected flora and fauna. Natural England did not raise any concerns or objections in respect of the variations now proposed with respect to protected habitats or species grounds.

*Conclusion*

- The Secretary of State is satisfied that the concerns raised by the Parish Council, with exception to the extension of the commencement date which is detailed in section 7 below, are adequately covered by the planning conditions contained within the deemed planning permission for the Development.

**7. SECRETARY OF STATE'S CONSIDERATION OF THE REQUEST TO VARY THE EXISTING CONSENT AND DEEMED PLANNING PERMISSION DIRECTION TO EXTEND THE PERIOD WITHIN WHICH THE DEVELOPMENT MUST COMMENCE**

- 7.1 The Secretary of State has considered the reasons put forward by the Applicant in a letter dated 21 September 2016 for requiring a five year extension to the





period in which the Development must be commenced. The Secretary of State considers the fact that the section 36 consent and deemed planning permission were originally for five years is a material consideration when reviewing this Variation Application as the extension requested is for the same period and is therefore a substantial extension.

- 7.2 The Applicant considers that the proposed development relies on securing a capacity market award from the UK Government to proceed to construction. Given the capacity market award is secured at auction, the Applicant considered a five year extension affords the opportunity to enter the auction in December 2016 and future auctions as necessary. The Applicant has highlighted that the proposed development, together with the matters secured by the Section 106 agreement it has entered into with the relevant planning authority offers a major benefit to the UK Economy by providing significant generating capacity, and realise opportunities for electricity supply.
- 7.3 The Secretary of State is required to be satisfied that all variations requested to a section 36 consent and deemed planning permission are appropriate. The Secretary of State has considered the reasons put forward by the Applicant and, in the circumstances of this Variation Application, considers an extension is required in order to give the Development a reasonable prospect of commencement within the consent period. The Secretary of State also notes that the relevant planning authority supports the extension of the time limit for commencement.
- 7.4 In reaching this view, the Secretary of State has also considered the need for nationally significant gas infrastructure as set out in *Overarching National Policy Statement for Energy EN-1* and considers it is therefore relevant to take into consideration the viability of the Development and its prospects of commencement in order to meet that need when assessing the Variation Application. The Secretary has also taken into account the objection of the Parish Council to a five year extension and the reasons for imposing a time limit on the commencement of the Development within the section 36 consent and deemed planning permission including the need to minimise the impact of any period of uncertainty for those who may be affected pending the decision to begin construction works.

#### Conclusion

- 7.5 The Secretary of State has decided that in this instance, a three year extension to the consent affords the Applicant sufficient opportunity to participate in the December 2016 auction and future auctions as necessary.

#### **8. SECRETARY OF STATE'S CONSIDERATION OF THE REQUEST TO VARY THE EXISTING CONSENT**

- 8.1 The Secretary of State notes that the Applicant has requested that the consent be varied to allow for the construction of a single phase CCGT plant and associated equipment with a generating capacity of up to 1,575MW.



8.2 The Secretary of State also notes that the Applicant has sought consent for a single phased CCGT electricity generating system in order to utilise larger, flexible and more efficient gas turbine technology which is now available on the market. The Secretary of State is satisfied that this is an appropriate variation and that the varied Development will not differ significantly from the generating station to which the section 36 consent referred. The Secretary of State considers that any difference in construction, extension, operation or likely environmental effects would not be such as to require authorisation by a new consent. The Secretary of State is satisfied that the Development helps to fulfil the need for nationally significant gas infrastructure as set out in Overarching National Policy Statement for Energy EN-1.

## 9. SECRETARY OF STATE'S CONSIDERATION OF CARBON CAPTURE READINESS ("CCR")

9.1 The Secretary of State considered in relation to determination of the application for the section 36 consent for the Development that *"the Company has adequately demonstrated that the Development, to the extent that CCR policy so requires, will be able to retrofit carbon capture plant and equipment as and when carbon capture becomes technically and economically viable"*. The Secretary of State included in the section 36 consent conditions relating to CCR which were modelled on those contained in Annex G of the CCR Guidance.

9.2 The Secretary of State has considered whether the proposed variation to the section 36 consent would have any impact on the previous conclusions in relation to CCR for the Development. The Secretary of State notes that the Applicant has relied on the historic CCR documents from July 2011 in support of the section 36C variation. The Secretary of State has consulted the Environment Agency and relevant officials in the Department of Business, Energy and Industrial Strategy about the requirements for CCR in relation to the proposed variation and the information submitted by the Applicant.

9.3 As part of their application for section 36 consent, applicants are required to demonstrate the following (and the Secretary of State considers such demonstration equally relevant to a variation application):

- that sufficient space is available on or near to the site to accommodate carbon capture equipment in the future;
- the technical feasibility of retrofitting their chosen carbon capture technology;
- that a suitable area of deep geological storage offshore exists for the storage of captured CO<sub>2</sub> from the proposed generating station;
- the technical feasibility of transporting the captured CO<sub>2</sub> to the proposed storage area; and
- the likelihood that it will be economically feasible within the generating station's lifetime, to link it to a full Carbon Capture and Storage ("CCS") chain, covering retrofitting of capture equipment, transport and storage.



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- 9.4 The Secretary of State notes that the Environment Agency has confirmed that sufficient space is available to house the necessary carbon capture and storage infrastructure. The Environment Agency has also indicated that it accepts the technical feasibility of retro-fitting the infrastructure should the need arise to do so.
- 9.5 The decisions on the section 36 application considered that the economic assessment produced by the Applicant was in accordance with the requirements of the CCR Guidance insofar as it demonstrated that the fitting of carbon capture equipment would be potentially viable over the lifetime of the proposed Development. In relation to this Variation Application, the Secretary of State is content that the Applicant's previous CCR assessments presented reasonable scenarios under which the fitting of CCS equipment would still be economically feasible.

Conclusion

- 9.6 The Secretary of State has considered the information provided by the Applicant and the comments of consultees both within and outside the Department for Business, Energy and Industrial Strategy. The Secretary of State notes that the consultees accept the CCR proposals put forward by the Applicant would be technically and economically viable and concludes, therefore, that there are no technical or economic obstacles to the grant of the requested variation in relation to CCR.

**10. SECRETARY OF STATE'S CONSIDERATION OF COMBINED HEAT AND POWER**

- 10.1 The Variation Application is covered by the Departmental published guidance for all conventional power station proposals requiring developers to demonstrate opportunities for CHP have been seriously explored before section 36 consent and a section 36 variation can be granted. The Secretary of State notes that the Applicant carried out an assessment of the CHP possibilities as part of its application for section 36 consent. The Secretary of State considered in relation to the determination of the application for section 36 consent for the Development that *"there are no significant existing or expected domestic, industrial or commercial users of heat which would justify the Development being subject to a requirement to be CHP"*.
- 10.2 However, the Secretary of State is conscious that all opportunities for the deployment of CHP should be encouraged where possible, and considers that a revision to the deemed planning permission would be helpful in this respect. The Secretary of State has therefore included a new condition, condition 56, to require the ongoing monitoring and exploration of potential users of heat from the Development and has consulted DMBC and the Applicant on the inclusion of this varied condition.

**11. EQUALITY ACT 2010**



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- 11.1 The Equality Act 2010 requires public authorities to have due regard in the exercise of their functions to:
- (a) the elimination of unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act;
  - (b) the advancement of equality of opportunity between people who share a protected characteristic and those who do not; and
  - (c) the fostering of good relations between people who share a protected characteristic and those who do not.
- 11.2 The Secretary of State has considered the potential impacts of granting or refusing the Variation Application in the context of the general equality duty and has concluded that it is not likely to result in any significant differential impacts on people sharing any of the protected characteristics.
- 11.3 The Secretary of State does not, therefore, consider that either the grant or refusal of the Variation Application is likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

## **12. OTHER MATTERS**

### Environment Agency

- 12.1 The Secretary of State is aware that the varied Development would require an Environmental Permit from the Environment Agency before it could operate. The Secretary of State notes that the Environment Agency has indicated that, on the basis of the information available to it, it does not foresee any barriers to a permit being issued for the gas turbine configuration options.

## **13. SECRETARY OF STATE'S DECISION ON THE VARIATION APPLICATION**

- 13.1 The Secretary of State, having regard to the matters specified above, has decided to make a further variation to the section 36 consent for the Development pursuant to section 36C of the Electricity Act 1989. The section 36 consent as varied is annexed to the variation decision and subject to the conditions set out in the varied consent.
- 13.2 The Secretary of State also considers that the planning conditions as revised form a sufficient basis on which the varied Development might proceed and therefore has decided to issue a section 90(2ZA) direction to vary the planning permission on the basis of the conditions specified in the annex to that direction.
- 13.3 The Secretary of State also considers it is appropriate to include the further planning condition 59 which provides that the environmental effects of the Development must not exceed those assessed in the Environmental Statement in order to ensure the Development consented does not have a greater environmental impact than that considered in the application for section 36 consent and the Variation Application.



- 13.4 Other minor drafting amendments have also been made to ensure the section 36 consent and planning conditions are in line with the updated Environmental Statement.
- 13.5 I accordingly enclose the Secretary of State's variation of consent under section 36C of the Electricity Act 1989 and a direction under section 90(2ZA) of the Town and Country Planning Act 1990.

#### **14. GENERAL GUIDANCE**

- 14.1 The validity of the Secretary of State's decision may be challenged by making an application to the High Court for leave to seek a judicial review. Such application must be made as soon as possible. Parties seeking further information as to how to proceed should seek independent legal advice from a solicitor or legal adviser, or alternatively may contact the Administrative Court at the Royal Courts of Justice, Strand, London WC2 2LL (General Enquiries 020 7947 6025/6655).
- 14.2 This decision does not convey any approval or consent or waiver that may be required under any enactment, by-law, order or regulation other than section 36 and 36C of, and Schedule 8 to, the Electricity Act 1989 and section 90 of the Town and Country Planning Act 1990.

Yours sincerely

*Giles Scott*

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**Head of Energy Infrastructure Planning and Coal Liabilities**